

TENTATIVE DRAFT

NOTE: It is requested that suggested corrections be sent to the Office of the Secretary, San Francisco, as soon as possible.

MINUTES

BOARD OF GOVERNORS MEETING

LOS ANGELES

MAY 4, 2002

The Board of Governors of the State Bar of California convened in the Board Room of the State Bar Offices at 1149, South Hill Street, Los Angeles, California, at 11:11 a.m., Saturday, May 4, 2002, Karen S. Nobumoto presiding.

The following members of the Board of Governors were present: Anthony P. Capozzi, Matthew E. Cavanaugh, Judith M. Copeland, Patrick R. Dixon, Janet M. Green, Gary Greenebaum, James E. Herman, Carl A. Lindstrom, Jr., Scott H. McNutt, Robert K. Persons, Russell Roeca, Windie O. Scott, James C. Sherwood, John K. Van de Kamp, Maria D. Villa, Chantel L. Walker, Marie Weiner, Scott Wylie and Nancy J. Hoffmeier-Zamora.

The following members of the staff were present: Starr Babcock, Francis P. Bassios, Jerome Braun, Larry Doyle, Scott Drexel, Djinna Gochis, Karen Hagelund, Robert A. Hawley, Judy Johnson, Dean Kinley, Nancy McCarthy, Marie M. Moffat, Mike Nisperos, Janis Thibault, Cathy Torney and Russell Weiner.

Also present: Don J. DeBenedictis, *Los Angeles Daily Journal*; James O. Heiting, deemed elected Board member from District 6, Stephen L. Marsh, Chair, Conference of Delegates Executive Committee, Mike McKee, *The Recorder* and David B. Parker, attorney at law and representative of the bar's Business Law Section. The Supreme Court Historical Society was represented by: Kent L. Richland, president; Hon. Elwood Lui, former president and board member; and Donna C. Schuele, executive director.

10 Upon motion made, seconded and unanimously adopted, it was

RESOLVED that the minutes of the meeting of the Board of Governors held on March 15, 2002, in Sonoma, hereby are approved as written.

The roll-call vote was taken and upon motion made, seconded and unanimously adopted, it was

RESOLVED that the roll-call vote will be substituted for the vote unless otherwise noted.

All members present and recorded on the roll-call slip voted yes on the above matter.

Ms. Nobumoto introduced Kent L. Richland, President, Supreme Court Historical Society Justice Elwood Lui, former president and present board member of the society, and Donna C. Schuele, the society's executive director. Justice Lui and Mr. Richland each, in turn, addressed the Board regarding the history of the Supreme Court Historical Society and their request to the bar to include a check-off box in the bar's fee statement for the society.

At Mr. Cavanaugh's invitation, bar member David Marcus addressed the Board regarding his concerns about the format of the membership fee statement, i.e., that any payments other than mandatory fees be clearly delineated as optional. Ms. Nobumoto stated that she would refer the matter to the Board Committee on Operations for referral to the Board Planning, Program Development, and Budget Committee.

115 Upon motion made, seconded and adopted, it was

RESOLVED, upon recommendation of the Board Committee on Operations, that the Board hereby approves the addition of the California Supreme Court Historical Society to the list of voluntary organizations contained on the State Bar's Annual Fee Statement; and it is

FURTHER RESOLVED that the Board hereby directs staff to seek an appropriate legislative amendment authorizing the inclusion of a voluntary check-off box for a donation to the California Supreme Court Historical Society on the State Bar's Annual Fee Statement.

All members present and recorded on the roll-call slip voted yes on the above matter, except Mr. Cavanaugh, who voted no and requested the record so to show.

The President reported on the following:

1. Ms. Nobumoto reported on the status of SB 1459 (Romero), which addresses the unauthorized practice of law and which is supported by the State Bar.
2. She stated that the recent outreach meeting held in District 7 was well attended.
3. She announced that the bar's *When You Become 18: A Survival Guide for Teenagers* was included in the bar's *California Bar Journal* this month, and she thanked the Foundation of the State Bar for its very generous grant in helping to fund this publication.
4. She attended the funeral of Bernard S. Jefferson, former justice of the Second District Court of Appeal, and stated that this Board meeting will be adjourned in his honor.

41 The Executive Director reported on the following:

1. Ms. Johnson referred to agenda item MAY 42 stating that three third-year members had declared their intention to run for the 2002-2003 presidency of the bar.
2. Regarding the annual Board of Governors election, she stated that ballots have been mailed in contested districts 4 and 7 (office numbers 1 and 2), and 8, and that James

O. Heiting is deemed elected in district 6. She also mentioned that July 1, 2002 is the last date to vote and that the election schedule is posted on the web.

3. She reported on the launch of the new website and its more professional appearance.

4. She reported briefly on the April 30, 2002 membership payment receipts.

42 The Secretary announced that the following third-year Board members have declared their intention to run for president of the State Bar for the year 2002-2003.

James E Herman

Maria D. Villa

Scott Wylie

At Mr. Cavanaugh's request, the following three items were removed from the Board's consent agenda and placed on the Board's regular agenda for consideration later in the meeting:

54-111 Charter of the Board Committee on Operations

54-134 Annual Reports of the Access and Fairness Committees

54-151 Charter of the Board Committee on Volunteer Involvement

51 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Committee on Member Oversight and the Board Regulation, Admissions and Discipline Oversight Committee, that the Board hereby receives the financial statements for the quarter ended March 31, 2002, as certified by the Director of the Office of Finance and on file in the San Francisco office of the State Bar.

All members present and recorded on the roll-call slip voted yes on the above matter.

52 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Committee on Member Oversight and the Board Regulation, Admissions and Discipline Oversight Committee, that the Board hereby receives the investment reports for the quarter ended March 31, 2002, as certified by the Director of the Office of Finance and on file in the San Francisco office of the State Bar.

All members present and recorded on the roll-call slip voted yes on the above matter.

53 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Regulation, Admissions and Discipline Oversight Committee, that the Board hereby receives the Client Security Fund reports for the quarter ended March 31, 2002, as certified by the Director of the Office of Finance and on file in the San Francisco office of the State Bar.

All members present and recorded on the roll-call slip voted yes on the above matter.

54-121 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Regulation, Admissions and Discipline Oversight Committee, that the Board hereby adopts the charter of the committee, in the form attached to these minutes and made a part hereof.

All members present and recorded on the roll-call slip voted yes on the above matter.

54-131 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Committee on Member Oversight, that the Board hereby adopts the charter of the committee, in the form attached to these minutes and made a part hereof.

All members present and recorded on the roll-call slip voted yes on the above matter.

54-132 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Committee on Member Oversight, that the Board hereby receives the 15th Annual Report of the Board of Legal Specialization for the period January 1 through December 31, 2001; and it is

FURTHER RESOLVED that the Board hereby directs staff to send copies of the report to the California Supreme Court as required by section 21.0 of the *Rules Governing the State Bar of California Program for Certifying Legal Specialists* to aid the Court's continued review of the legal specialist program.

All members present and recorded on the roll-call slip voted yes on the above matter.

54-133 The 2000-2001 Annual Report of the Standing Committee on the Delivery of Legal Services (SCDLS) was received.

54-135 The 2001 Annual Report of the California Commission on Access to Justice was received.

54-136 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Committee on Member Oversight, that the Board hereby amends the bylaws of the Law Practice Management and Technology Section as follows:

Bylaws of the Law Practice Management & Technology Section

§4. Executive Committee

B. Members: The executive committee shall consist of a minimum of fifteen (15) members and a maximum of seventeen (17) members appointed by the Board of Governors . . .

All members present and recorded on the roll-call slip voted yes on the above matter.

54-145 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Planning, Program Development, and Budget Committee, that the Board hereby adopts the *Proposed Rules and Regulations for the Lawyer Assistance Program*, in the form attached to these minutes and made a part hereof, on an interim basis, effective immediately, pending the completion of a ninety-day public comment period, pursuant to the provisions of section 3 of the *Procedures for Adoption, Amendment, or Repeal of State Bar Regulations*.

All members present and recorded on the roll-call slip voted yes on the above matter.

54-146 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Planning, Program Development, and Budget Committee, that the Board hereby adopts the *Proposed Criteria for Acceptance, Denial, Completion of, or Termination from the Lawyer Assistance Program, and Group Fees*, in the form attached to these minutes and made a part hereof, on an interim basis, effective immediately, pending the completion of a ninety-day public comment period, pursuant to the provisions of section 3 of the *Procedures for Adoption, Amendment, or Repeal of State Bar Regulations*.

All members present and recorded on the roll-call slip voted yes on the above matter.

54-152 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Committee on Volunteer Involvement, that the Board hereby extends the terms of the 2001-2002 Commission on Judicial Nominees Evaluation through the completion of the commission's final assignment, or until further order of the Board, whichever occurs earlier.

All members present and recorded on the roll-call slip voted yes on the above matter.

54-153 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Committee on Volunteer Involvement, that the Board hereby extends the term of James E. Herman, member and Chair of the Review Committee, Commission on Judicial Nominees Evaluation, effective immediately, for a term expiring at the conclusion of the Annual Meeting, i.e., October 13, 2002, or until further order of the Board, whichever occurs earlier.

All members present and recorded on the roll-call slip voted yes on the above matter.

54-163 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Committee on Stakeholder Relations, that the Board hereby adopts the charter of the committee, in the form attached to these minutes and made a part hereof.

All members present and recorded on the roll-call slip voted yes on the above matter.

54-111 Upon motion made, seconded and adopted, it was

RESOLVED, upon recommendation of the Board Committee on Operations, that the Board hereby adopts the Board Committee on Operations charter, in the form attached to these minutes and made a part hereof.

Voting yes Ms. Copeland, Ms. Green, Mr. Greenebaum, Mr. Roeca, Ms. Scott, Ms. Villa, Ms. Walker, Ms. Weiner, Mr. Wylie and Ms. Zamora.

Voting no Mr. Capozzi, Mr. Cavanaugh, Mr. Dixon, Mr. Herman, Mr. Lindstrom, Mr. McNutt, Mr. Persons, Mr. Sherwood and Mr. Van de Kamp.

Ms. Scott left the meeting and her name was deleted from the roll-call slip.

54-134 Mr. McNutt, Chair, Board Committee on Member Oversight, drew the Board's attention to the 2000-2001 Annual Reports of the Access and Fairness Committees: Ethnic Minority Relations Committee (EMRC); Committee on Legal Professionals with Disabilities (CLPD); Committee on Senior Lawyers; Committee on Sexual Orientation and Gender Identity Discrimination (CSOGID); and the Committee on Women in the Law (CWIL).

54-151 Upon motion made, seconded and adopted, it was

RESOLVED, upon recommendation of the Board Committee on Volunteer Involvement, that the Board hereby adopts the committee's charter, in the form attached to these minutes and made a part of hereof.

All members present and recorded on the roll-call slip voted yes on the above matter, except Mr. Cavanaugh and Mr. Dixon, who voted no and requested the record so to show.

110 Ms. Nobumoto, Chair, Board Committee on Operations, reported on the work of the committee to date.

112 The President introduced David, B. Parker, Esq., who addressed the Board on behalf of the bar's Business Law Section regarding that section's request to file an amicus brief in the matter of *Viner v. Sweet, et al.*

112 A discussion took place concerning the proposed motion before the Board regarding the request of the bar's Business Law Section to file an amicus brief in the matter of *Viner v.*

Sweet, et al, but failed of adoption. A substitute motion was proposed to allow the section to go forward with the brief, but, upon further discussion, this also failed of adoption. The item was withdrawn from the Board's agenda.

120 Mr. Dixon, Chair, Board Regulation, Admissions and Discipline Oversight Committee, welcomed all attendees. He noted that the transcripts from the public hearings on the discipline and admissions processes and attorney competence are available for all to view, if they so wish. He also mentioned that he had attended the outreach meeting in District 7 the previous evening and that it was a success.

122 This item regarding a status report on the discipline system by Mr. Nisperos, Chief Trial Counsel, was postponed until a future date.

123 Upon motion made, seconded and adopted, it was

RESOLVED, following publication for comment, upon consideration of comments received and upon recommendation of the Board Regulation, Admission and Discipline Oversight Committee, that the Board hereby adopts proposed amended rule 3-310 of the *Rules of Professional Conduct of the State Bar of California*, in the form attached to these minutes and made a part hereof, and hereby directs that said amended rule be transmitted to the Supreme Court with the request that it be approved by the Court; and it is

FURTHER RESOLVED that the memorandum to the Supreme Court requesting approval of proposed amended rule 3-310 of the *Rules of Professional Conduct of the State Bar of California* serve as the State Bar's report as required by *Business and Professions Code* section 6068.11, and that staff shall submit the report to the Legislature and the Supreme Court on or before July 1, 2002.

All members present and recorded on the roll-call slip voted yes on the above matter, except Mr. Sherwood, who did not vote and requested the record so to show.

124 This item regarding the updated Discipline Cost Model was withdrawn from the Board's agenda.

130 Mr. McNutt, Chair, Board Committee on Member Oversight, summarized the work of the committee to date.

137 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, following publication for public comment and upon recommendation of the Board Committee on Member Oversight, that the Board hereby amends section 2.1 relating to the elimination of stress requirement of the *MCLE Rules and Regulations*, effective February 1, 2003, as follows:

MCLE RULES AND REGULATIONS

2.0 MINIMUM CONTINUING LEGAL EDUCATION REQUIREMENT

2.1 REQUIREMENT

All members of the State Bar of California on active status shall demonstrate their compliance with the continuing legal education requirement at the end of each compliance period and, except as otherwise provided, shall complete at least 25 hours of approved continuing legal education activities every 36 months. Of the 25 hours:

2.1.1 At least four shall be in the area of legal ethics;

2.1.2 At least one shall relate to prevention, detection, and treatment of substance abuse ~~and emotional distress, but no more than six shall relate to emotional distress~~; and

2.1.3 At least one shall relate to elimination of bias in the legal profession based on any of, but not limited to the following characteristics: sex, color, race, religion, ancestry, national origin, blindness or other physical disability, age, and sexual orientation.

Instruction in legal ethics, prevention, detection, and treatment of substance abuse and emotional distress, and elimination of bias may be a portion of a substantive law education activity.

All members present and recorded on the roll-call slip voted yes on the above matter.

138 Mr. McNutt, Chair, Board Committee on Member Oversight, gave a status report on the launching of the bar's new website.

140 Mr. Herman, Chair, Board Planning, Program Development, and Budget Committee, reported on the work of the committee under the new governance structure, and commented on yesterday's planning session.

141 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Planning, Program Development, and Budget Committee, that the Board hereby approves proceeding with the revenue remittance centralization project and the allocation of budgeted Technology Reserve resources to that project in an amount not to exceed \$400,000; and it is

FURTHER RESOLVED that the Board hereby approves the allocation of staffing resources to this project, drawing upon existing unfilled positions; and it is

FURTHER RESOLVED that the Board hereby approves staff's implementation plan discussed this day with the Board.

All members present and recorded on the roll-call slip voted yes on the above matter.

142 This item regarding the Draft Interim Strategic Plan was withdrawn from the Board's agenda and will be considered by the Board at a future date, following a sixty-day public comment period.

143 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Planning, Program Development, and Budget Committee, that the Board hereby authorizes the State Bar to place on its Website information regarding the imposition of private reprovls following the initiation of a proceeding in the State Bar Court, irrespective of the date upon which the private reprovl was imposed.

All members present and recorded on the roll-call slip voted yes on the above matter.

144 The Board, upon the recommendation of the Board Planning, Program Development, and Budget Committee, accepted with thanks the report regarding the 2002 Priorities of the Office of the Chief Trial Counsel, in the form attached to these minutes and made a part hereof, and directs staff to report back to the Board when the proposals for ADR and Drug Court are complete.

150 Mr. Wylie, Chair, Board Committee on Volunteer Involvement, summarized the work of the committee to date.

154 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Committee on Volunteer Involvement, that the Board hereby amends the selection process for the Loren Miller Legal Services Award so that it conforms to the selection process for the President's Pro Bono Service Awards and so that committee titles reflect current committees participating in the selection process as follows:

The Standing Committee on the Delivery of Legal Services (SCDLS) shall review the nominations for the Loren Miller Legal Services Award and make its recommendation to the appropriate Board Committee. The Board Committee will review all the recommendations from SCDLS and make its recommendations to the full Board of Governors, with final selection for both awards to be made by the Board of Governors. The President will notify the award recipient and the award will be presented during the State Bar Annual Meeting.

All members present and recorded on the roll-call slip voted yes on the above matter.

160 Due to the lack of time, Ms. Villa, Chair, Board Committee on Stakeholder Relations, deferred her report until the next meeting.

161 Mr. Doyle, Chief Legislative Counsel, distributed an informational item, which gave an overview of the activities of the State Bar's Office of Governmental Affairs during the past two months.

162A Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Committee on Stakeholder Relations, that the Board hereby opposes AB 2914, as that bill was amended on April 30, 2002, to require attorneys prior to entering into a contractual relationship with a prospective client to disclose whether they, or their law corporations, to disclose any and all bankruptcy filings within the past seven years.

All members present and recorded on the roll-call slip voted yes on the above matter.

162B Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Committee on Stakeholder Relations, that the Board hereby opposes AB 2648, as that bill was amended on April 30, 2002, to eliminate the current statutory requirement that counties provide quarters for county law libraries.

All members present and recorded on the roll-call slip voted yes on the above matter.

162C Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Committee on Stakeholder Relations, that the Board hereby supports AB 1703, as that bill was amended on January 18, 2002, to make technical, corrective changes defining the term "10% of the contract" to legislation enacted last year to require law firms contracting with the state to make a good faith effort to provide a specified minimum number of hours of pro bono legal services, and further recommends recommending that the language be further clarified to specify the "average billing rate of the firm *on contracts with the state.*"

All members present and recorded on the roll-call slip voted yes on the above matter.

The Board went into closed session at 12:25 p.m., and those other persons present in the meeting, except the Executive Director and members of the Senior Executive Team, left the meeting.

The Board resumed open session at 1:00 p.m.

The appointments were considered in confidential session and the action of the Board is reported below.

6011 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Committee on Volunteer Involvement, that the Board hereby appoints, or reappoints, as the case may be, the following members to the Board of Directors of California Rural Legal Assistance, each to serve for a two-year term commencing June 1, 2002, and expiring May 31, 2004:

Eleazar Aramburo, San Francisco (new appointment)
R. Tomas Olmos, Los Angeles (reappointment)
Richard P. Fajardo, President of the CRLA Board, Los Angeles (reappointment)

All members present and recorded on the roll-call slip voted yes on the above matter.

6012 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Committee on Volunteer Involvement, that the Board hereby appoints Stewart Hsieh, Los Angeles, Chair, and Norman Reynolds, San Jose, Vice Chair, Lawyer Assistance Program Oversight Committee, effective immediately, each officer's term to expire December 31, 2002, or until further order of the Board, whichever occurs earlier.

All members present and recorded on the roll-call slip voted yes on the above matter.

6013 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Committee on Volunteer Involvement, that the Board hereby appoints Theodore E. Davis, San Diego, and Mary E. Trice, Oakland, members, Business Law Section Executive Committee, effective immediately, each for a term expiring October 10, 2004, or until further order of the Board, whichever occurs earlier.

All members present and recorded on the roll-call slip voted yes on the above matter.

6014 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Committee on Volunteer Involvement, that the Board hereby appoints the following to the State Bar Fee Arbitration Department, each to serve for a two-year term, commencing May 6, 2002:

| Name | County | Lawyer | Non-Lawyer |
|----------------------|----------------|--------|------------|
| 1 Boner, D. Stephen | San Diego | X | |
| 2 Copple, Pamela | Orange | X | |
| 3 Cummings, Leona | Sacramento | X | |
| 4 Dresben, Fred | Los Angeles | X | |
| 5 Elias, Charles | Los Angeles | X | |
| 6 Kuhn, Robert | Los Angeles | X | |
| 7 Knish, Michael | San Bernardino | X | |
| 8 Long, Cynthia | San Francisco | X | |
| 9 Martin, William H. | Sacramento | | X |
| 10 Norooz, Al F. | Los Angeles | X | |
| 11 Partos, Michael | Los Angeles | X | |
| 12 Ragland, Carroll | Butte | X | |
| 13 Spiegel, Michael | San Francisco | X | |
| 14 Seigel, Jonathan | San Francisco | X | |
| 15 Werchick, Arne | Nevada | X | |

All members present and recorded on the roll-call slip voted yes on the above matter.

6020 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Committee on Volunteer Involvement, that the Board hereby appoints or reappoints, as the case may be, the following State Bar delegates to the American Bar Association House of Delegates, effective upon the conclusion of the 2002 Annual Meeting of the American Bar Association, i.e., August 14, 2002, and expiring at the conclusion of the 2004 Annual Meeting of said association, or until further order of the Board, whichever occurs earlier:

Joanne Garvey, San Francisco
Beryl Crumpton, Oakland
Suzanne Graber, Greenbrae
Todd Stevens, San Diego
Bert Z. Tigerman, Beverly Hills
Pauline Weaver, Oakland

and it is

FURTHER RESOLVED that the Board hereby appoints Marc Bouret, Walnut Creek, State Bar First Alternate, and Sandra Geiger, Palo Alto, State Bar Second Alternate, to its delegation to the American Bar Association House of Delegates, effective upon conclusion of the 2002 ABA Annual Meeting, i.e., August 14, 2002, and expiring at the conclusion of the 2003 Annual Meeting of the ABA Annual Meeting, or until further order of the Board, whichever occurs earlier.

All members present and recorded on the roll-call slip voted yes on the above matter.

6030 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Committee on Volunteer Involvement, that the Board hereby appoints Ann M. Ravel, San Jose, and David Pasternak, Los Angeles, State Bar members, Judicial Council, each to serve for a term commencing September 15, 2002, and expiring September 14, 2005, or until further order of the board, whichever occurs earlier.

All members present and recorded on the roll-call slip voted yes on the above matter.

6040 Upon motion made, seconded and adopted, it was

RESOLVED, upon recommendation of the Board Committee on Volunteer Involvement, that the Board hereby appoints Abbe W. McCall, San Francisco, Chair, and Mark I. Schickman, San Francisco, Vice Chair, Commission on Judicial Nominees Evaluation, each to serve for a term commencing June 1, 2002, and expiring May 31, 2003, or until further order of the Board whichever occurs earlier.

All members present and recorded on the roll-call slip voted yes on the above matter, except Ms. Copeland, Mr. Dixon, Mr. Lindstrom and Mr. McNutt, who voted no and requested the record so to show.

113 Upon motion made, seconded and adopted, it was

RESOLVED, upon recommendation of the Board Committee on Operations, that the Board hereby adopts in principle the timetable and procedure for the Performance Evaluations of the Executive Director and Chief Trial Counsel in the form this day before the Board; and it is

FURTHER RESOLVED that the preexisting procedure governing the Executive Director's performance evaluation be suspended in favor of the procedures discussed this date; and it is

FURTHER RESOLVED that the members of the Board Committee on Operations, chaired by Maria Villa, conduct the Executive Director's evaluation, and that the members of the Board Operations Committee, and including the State Bar's Executive Director, Chaired by Patrick Dixon, conduct the Chief Trial Counsel's evaluation, both evaluations to be conducted consistent with the procedures and timetable discussed this date; and it is

FURTHER RESOLVED that the Deputy Executive Director, with the assistance of the Office of Human Resources, shall assist and staff the Board Committee on Operations in conducting these performance evaluations.

All members present and recorded on the roll-call slip voted yes on the above matter, except Mr. Cavanaugh, who abstained and requested the record so to show.

301 Upon motion made, seconded and adopted, it was

RESOLVED, upon recommendation of the Board Task Force on Conference of Delegates, that the Board hereby authorizes the Conference of Delegates Executive Committee to pursue incorporation of a new nonprofit mutual or public benefit corporation, entitled the Conference of Delegates of California Bar Associations or other similar name; and it is

FURTHER RESOLVED, upon recommendation of the Board Task Force on Conference of Delegates, that the Board hereby directs staff to draft appropriate legislation to allow for the inclusion of a check off on the membership fee statement for members to designate a donation to the newly created nonprofit entity which will be incorporated to assume the functions of the Conference of Delegates of the State Bar and seek an amendment to the current State Bar spot bill to include that legislation; and it is

FURTHER RESOLVED that the Board Task Force on Conference of Delegates report back to the Board in June 2002 regarding the status of this matter.

All members present and recorded on the roll-call slip voted yes on the above matter, except Mr. Cavanaugh who voted no, and Ms. Walker who abstained, and both requested the record so to show.

Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Task Force on Elections, that the Board hereby authorizes the Office of Governmental Affairs to seek the legislative statutory changes recommended in Draft Revisions to State Bar Elections Statutes, in the form attached to these minutes and made a part hereof.

All members present and recorded on the roll-call slip voted yes on the above matter.

The Board adjourned at 2:15 p.m., Saturday, May 4, 2002, in memory of the Honorable Bernard S. Jefferson, former justice of the Second District Court of Appeal. The Board will meet again in the Board Room of the State Bar Office, 180 Howard Street, San Francisco, at 9:00 a.m., on Saturday, June 22, 2002, or at the call of the President at any time prior to that meeting.

ATTACHMENTS TO BOG MAY 4, 2002, MEETING MINUTES

| | | |
|------------|---|------|
| MAY 123 | rule 3-310 of the Rules of Professional Conduct | -7- |
| MAY 144 | 2002 Priorities of the Office of the Chief Trial Counsel | -9- |
| MAY 302 | Draft Revisions to State Bar Elections Statutes | -14- |
| MAY 54-111 | charter Bd. Operations | -6- |
| MAY 54-121 | charter RAD | -4- |
| MAY 54-131 | charter MOC | -4- |
| MAY 54-145 | Proposed Rules and Regulations for the Lawyer Assistance Progra | -5- |
| MAY 54-146 | Proposed Criteria for Acceptance, Denial, Completion of, or Ter | -5- |
| MAY 54-151 | charter VIC | -6- |
| MAY 54-163 | charter Stakeholders | -6- |